



October 5, 1999

Ms. Margaret A. Roll
Assistant General Counsel
Texas Department of Human Service
P.O. Box 149030
Austin, Texas 78714-9030

OR99-2822

Dear Ms. Roll:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128691.

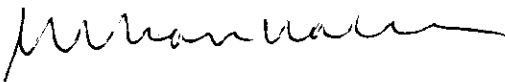
The Texas Department of Human Services (the "department") received two requests for information relating to the "STAR" and "STAR+PLUS" contracts between the department and HMO Blue. The department has already released some of the requested information. You inform us that the department is withholding information about medicaid clients under a previous determination from this office. You have also advised the requestors that the Texas Department of Health administers the "STAR" contract, and therefore requests for information about the "STAR" contract should be directed to the Department of Health. HMO Blue has notified the department that it considers some of the requested information to be proprietary and confidential. The department takes no position on whether this information is excepted from disclosure. You have submitted to this office the information that HMO Blue has identified as confidential.

Pursuant to section 552.305 of the Government Code, we notified HMO Blue of the request for information and of its opportunity to submit arguments against the disclosure of the submitted information. We did not receive a response from HMO Blue. The department forwarded us a copy of the letter it received from HMO Blue identifying certain information as proprietary and confidential, but the letter contains only conclusory assertions as to why the information should be excepted from disclosure. Thus, we must conclude that HMO

Blue has not met its burden of establishing that the submitted information is excepted from disclosure. *See, e.g.*, Open Records Decision No. 552 (1990). Accordingly, the department must release the submitted documents to the requestors.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/KEH/ch

Ref: ID# 128691

Encl. Submitted documents

cc: Mr. Kelly Randolph Evans
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